



# House of Representatives

## File No. 617

General Assembly

February Session, 2004

**(Reprint of File No. 480)**

Substitute House Bill No. 5181  
As Amended by House  
Amendment Schedule "A"

Approved by the Legislative Commissioner  
April 16, 2004

### **AN ACT CONCERNING THE PENALTY FOR TRESPASS UPON CERTAIN STATE PROPERTY.**

Be it enacted by the Senate and House of Representatives in General  
Assembly convened:

1 Section 1. Section 4b-11 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective from passage*):

3 The board of trustees of each state institution shall have the  
4 supervision, care and control of all property used in connection with  
5 such institution; the Commissioner of Public Safety shall have the  
6 supervision, care and control of all property used in connection with  
7 the Division of State Police and the Division of Fire, Emergency and  
8 Building Services within the Department of Public Safety located  
9 outside the city of Hartford; the Joint Committee on Legislative  
10 Management of the General Assembly shall have the supervision, care  
11 and control of the State Capitol building and grounds, the Legislative  
12 Office Building and parking garage and grounds and related  
13 structures and facilities; the Office of the Chief Court Administrator  
14 shall have the supervision, care and control of all property where the  
15 Judicial Department is the primary occupant and of the building and

16 grounds of the State Library and Supreme Court and shall establish  
17 policies and procedures governing such supervision, care and control.  
18 For the purposes of this section, the term "Judicial Department" does  
19 not include the courts of probate, the Division of Criminal Justice and  
20 the Public Defender Services Commission, except where they share  
21 facilities in state-maintained courts. Such board of trustees and said  
22 commissioner may make regulations for the maintenance of order on,  
23 and the safeguarding and use of, any such property, subject to the  
24 direction and supervision of the Commissioner of Public Works. Any  
25 person who trespasses upon such property [or who violates any of the  
26 regulations concerning the use of such property shall be fined not  
27 more than one hundred dollars or imprisoned not more than three  
28 months or both] shall be subject to the penalty for criminal trespass, as  
29 provided in sections 53a-107 to 53a-109, inclusive, or simple trespass,  
30 as provided in section 53a-110a. Any person who violates any  
31 regulation concerning the use of such property shall be fined not more  
32 than five hundred dollars or imprisoned not more than three months,  
33 or both.

This act shall take effect as follows:	
Section 1	<i>from passage</i>

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

### **OFA Fiscal Note**

#### **State Impact:**

Agency Affected	Fund-Effect	FY 05 \$	FY 06 \$
Judicial Department (Probation); Correction, Dept.	GF - Cost	Potential	Potential
Resources of the General Fund	GF - Revenue Gain	Potential Minimal	Potential Minimal

Note: GF=General Fund

#### **Municipal Impact:** None

#### **Explanation**

The bill increases the potential criminal penalty that may be imposed for trespass upon certain state property. Current law allows for a maximum \$100 fine and/or up to three months imprisonment. Under the bill, offenders would be subject to a range of penalties for criminal trespass or simple trespass. The maximum criminal penalty that could be imposed under the bill is a \$2,000 fine and/or up to one year imprisonment. The bill also increases the maximum fine (from \$100 to \$500) for violating any regulation on the use of state property.

Any revenue gain under the bill is expected to be minimal. Since during the last two fiscal years there have been no criminal offenses under the section of the statute modified by the bill, few offenses are anticipated in the future. The annual cost of imprisonment is about \$25,000; the annual cost of probation would depend upon the level of supervision required (ranging from \$46 annually for administrative supervision<sup>1</sup> to about \$2,000 for the medium level of supervision).

House Amendment "A" results in a potential cost to the state by increasing the amount of time an offender may be incarcerated or

under supervision in the community. It also results in a potential revenue gain by increasing the maximum allowable fine to \$2,000.

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<sup>1</sup> This type of supervision is done on a contracted basis through phone and mail verifications, and no services are provided to offenders.

**OLR BILL ANALYSIS**

sHB 5181 (as amended by House "A")\*

**AN ACT CONCERNING THE PENALTY FOR TRESPASS UPON CERTAIN STATE PROPERTY****SUMMARY:**

This bill subjects people to varying maximum penalties, rather than a single maximum, for trespassing on land under the care and control of the Department of Public Safety, Legislative Management Committee, chief court administrator, and the boards of trustees of state institutions. Instead of the current maximum penalty of up to three months in prison, up to a \$100 fine, or both, under the bill, the trespasser may, depending on the facts of each case, face the maximum penalties shown in Table 1.

**Table 1: Criminal Penalties for Trespass**

<i>Crimes</i>	<i>Penalties</i>
A person commits first-degree criminal trespass when he enters or remains in a place, knowing that he is not licensed or privileged to be there, and (1) the owner of the property orders him not to enter or to leave or (2) in so doing he violates a restraining or protective order entered in a domestic violence case.	Up to one year in prison, up to a \$2,000 fine, or both
A person commits second-degree criminal trespass when he enters or remains in a place, knowing that he is not licensed or privileged to be there.	Up to six months in prison, up to a \$1,000 fine, or both
A person commits third-degree criminal trespass when he, knowing he is not licensed or privileged to be there, enters or remains in a place (1) that belongs to the state and that is appurtenant to any state institution; (2) that is posted or fenced to keep out intruders; or (3) to hunt, trap, or fish.	Up to three months in prison, up to a \$500 fine, or both
A person commits simple trespass when he knowingly enters a place without license or privilege to be there, but without any intent to harm the property.	An infraction

The bill also increases, from \$100 to \$500, the maximum fine for violating any regulation on the use of state property. People found

guilty of this offense continue to be subject to up to three-months imprisonment or both the fine and imprisonment.

\*House Amendment "A" removes the single, maximum penalty for trespass and instead makes the penalty the maximum allowable under the Penal Code for varying degrees of trespass.

EFFECTIVE DATE: Upon passage

### **COMMITTEE ACTION**

Government Administration and Elections Committee

Joint Favorable Substitute Change of Reference

Yea 17      Nay 0

Judiciary Committee

Joint Favorable Report

Yea 42      Nay 0